IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 30TH MARCH 2007 / 9TH CHAITHRA 1929

OP.No. 8606 of 2003(Y)

PETITIONER:
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1. M.JANAKI PADMAJAN, PRESIDENT,
VELLARAKKAD SERVICE CO-OPERATIVE BANK LTD.NO.154,
VELLARAKKAD POST, TRISSUR DISTRICT.

2. VELLARAKKAD SERVICE CO-OPERATIVE
BANK LTD. NO.154, VELLARAKKAD POST,
TRISSUR DISTRICT, REPRESENTED BY ITS SECRETARY.

BY ADV. SRI.P.V.SURENDRANATH
SMT.BINDUMOL JOSEPH
SRI.P.P.SUDHEER

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY TO CO-OPERATIVE DEPT.
SECRETARIAT, THIRUVANANTHAPURAM.

2. JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES, TRISSUR DISTRICT, TRISSUR.

3. T.K.SIVASANKARAN,
THYKKATTUPARAMBIL HOUSE, POST CHIRAMANNANGAD,
PROMOTER, KADANGOD PANCHAYATH, MULTIPURPOSE
CO-OPERATIVE SOCIETY.

BY ADV. SRI.V.G.ARUN

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 30/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.15006/03 IN O.P.NO.8606/03

DISMISSED

30.3.2007. SD/- KURIAN JOSEPH, JUDGE.

A P P E N D I X

PETITIONER'S EXHIBITS :

EXT.P1 : TRUE COPY OF THE RELEVANT PORTION OF THE BYELAWS OF THE PETITIONER' SOCIETY SHOWING THE AREA OF OPERATION AND THE OBJECTS OF THE SOCIETY.

EXT.P2 : TRUE COPY OF THE AMENDMENT APPROVED AND REGISTERED BY THE REGISTRAR OF COOPERATIVE SOCIETIES.

EXT.P3 : TRUE COPY OF THE ORDER DT. 16.11.2002 OF THE 2ND RESPONDENT.

EXT.P4 : TRUE COPY OF THE REPORT SUBMITTED BY THE SECRETARY OF THE PETITIONER SOCIETY FOR SANCTIONING THE EXTENSION COUNTER.

EXT.P5 : TRUE COPY OF THE COMMUNICATIOND T. 22.10.2002 ISSUED BY THE 2ND RESPONDENT DECLINING TO REGISTER THE AMENDMENT BYELAW 43(33) ALONG WITH THE COPY OF THE AMENDMENT.

EXT.P6 TRUE COPY OF THE OBJECTION/PETITION DT.23.11.2002 SUBMITTED BY THE FIRST PETITIONER.

EXT.P7 TRUE COPY OF THE JUDGMENT DT. 31.1.2003 IN O.P.NO.36374/2002 PASSED BY THIS HON'BLE COURT.

EXT.P8 TRUE COPY OF THE NOTICE DT. 10.2.2003 ISSUED BY THE 2ND RESPONDENT.

EXT.P9 TRUE COPY OF THE ORDER DT. 5.3.2003 ISSUED BY THE 2ND RESPONDENT.

RESPONDENTS' EXHIBITS :
EXT.R3A TRUE COPY OF RELEVANT PAGES OF THE BYELAWS CONTAINING THE OBJECTS OF THE SOCIETY.

EXT.R3B TRUE COPY OF THE MINUTES OF THE MEETING OF THE SOCIETY HELD ON 14.3.2003.

TGS

KURIAN JOSEPH, J.

O.P.No. 8606 of 2003

Dated this the 30th day of March, 2007

JUDGMENT

The challenge is on Ext.P9 order passed by the second respondent in the matter of registration of a co-operative Society. Since Ext.P9 order is appealable under Section 12 of the Kerala Co-operative Societies Act, it is not necessary to go into the disputed questions of fact as raised in the writ petition. Therefore, without prejudice to the liberty to the petitioners to take recourse to that remedy and making it clear that the time taken for prosecuting this writ petition shall be excluded while computing the period of limitation, this writ petition is dismissed.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.No. 8606 of 2003

JUDGMENT

30th March, 2007